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I hereby certify that this correspondence and all correspondence identified as accompanying this correspondence is being transmitted by facsimile and addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on 1/15/10.


Sue Z. Shaper, Reg. No. 31663

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JAN 15 2010

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Smith, Jr.

Application No.: 10/701,146

Filed: 11/4/2003

Title: Cargo Oriented Aircraft

Attorney Docket No.: 50121

Art Unit:

3644

Examiner:

Tien Dinh

Cassandra Downs
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEFMailed 1/8/2010

Dear Ms. Downs:

In response to the above referenced Notification of Non-Compliant Appeal Brief attached please find an amended section "(v) Summary of Claimed Subject Matter." Applicant traverses the need, however, for amending the section, and the assertion of for non-compliance.

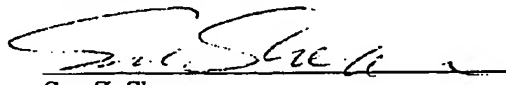
Applicant has been unable to reach Cassandra B. Downs or her supervisor of Sharmalla Coates by phone and so, in the interest of expediting the matter, Applicant submits an amended section (v) with a "map."

A "map" is not required by the consolidated patent rules §41.37(a)(v) of December 2009. Rather what is required "is a concise explanation of the subject matter defined in each of the independent claims" referring such to the specification and drawing. Such a concise explanation of the subject matter defined by the independent claims was already submitted. Applicant submits that the assertion of non-compliance was misplaced. A specific "map," as stated, is not required and does not serve as a "concise" explanation of the subject matter, either. It may indeed be helpful.

To expedite the Appeal, and in case members of the Board find a "map" helpful, Applicant has added a "map" of independent claims 1 and 11 into the middle of the existing section "(v) Summary of Claimed Subject Matter," attached.

Respectfully Submitted,

1/15/10
Date


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